

10/083,040T151/TELNP205USAREMARKS

Claims 1-33 are currently pending in the subject application and are presently under consideration. Claims 12 and 23 have been amended as shown on pages 4-7 of the Reply. In addition, applicants' representative notes with appreciation the indication that claims 15-17, 21, 22, 28, 29, 32, 33 would be allowable if recast in independent form to include all limitations of respective base claims and any intervening claims. It is believed such amendments are not necessary in view of the below-noted deficiencies of the cited reference *vis a vis* the claimed invention. However, if necessary, applicants' representative reserves the option to amend such claims at a later date. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 12,14 and 23-30 Under 35 U.S.C. §112**

Claims 12, 14 and 23-30 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the amendments to claims 12, 14 and 23 this rejection should be withdrawn.

**II. Rejection of Claims 1-14, 18-20, 23-27 and 30-31 Under 35 U.S.C. §102(e)**

Claims 1-14, 18-20, 23-27 and 30-31 stand rejected under 35 U.S.C. §102(e), as being anticipated by Hamilton *et al.* (U.S. 6,496,499 B1). This rejection should be withdrawn for at least the following reasons. Hamilton *et al.* fails to disclose all features of the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed invention relates to a system and method that reorders the transmitting data packets in a transmission queue of a radio system when an error is received

10/083,040T151/TELNP205USA

during the transmission of a data packet to any device destination address. In particular, independent claims 1, 13, 18 and 23 recite similar features namely *the transmission ordering component searches through the queue for a data packet having a second destination address upon an occurrence of an error in the transmitting of a data packet of the first destination address and the processor then transmits the data packet of the second destination address over the radio device*. Hamilton *et al.* is silent regarding such novel aspects of the subject claims.

Hamilton *et al.* teaches a wireless network containing a plurality of isochronous mobile devices communicating with a radio frequency access point. All mobile devices in a particular cell compile and maintain identical transmission time ordered lists, which are used to control access to the wireless network. This prevents collision of transmitted data. At the cited section, the reference teaches identifying a transmission error condition during transmission of data by any of the isochronous mobile devices in a cell boundary to the radio frequency access point. Then the transmission component allows retransmission of the data and tries receiving an acknowledgement packet (ACK). If an ACK is not received before a time out, the system upon time out, scrolls to the next unique device address listed on the transmission time ordered list.

Applicants' claimed invention discloses a system with a transmission ordering component that transmits data packets in a queue one at a time. When an error occurs in the transmission of a data packet, the transmission ordering component searches in the queue for a data packet with a second destination address and moves the pointer of the queue to that data packet and starts transmitting the data packets with the second destination address. The transmission error could be occurring due to the radio device that the system is communicating to being switched off, or is out of range, or the data packet is corrupted. The transmission ordering component then continues transmitting data packets one at a time till the end of the queue is reached. Then the queue is reordered and the packets with transmission errors are moved to the beginning of the queue. By not retransmitting the data packet after detecting the error or waiting for a message, or a time out, the claimed invention mitigates the need for the other devices within the cell to remain idle until the present data packet is transmitted. Such novel aspects of the claimed invention facilitate overall reduction in the time taken for transmitting data packets. In view of at least the foregoing, it is readily apparent that Hamilton *et al.* does not teach the identical invention in as complete detail as is contained in the subject

10/083,040T151/TELNP205USA

claims. Accordingly, this rejection with respect to independent claims 1, 13, 18 and 23 (and the claims that depend from them) should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP205USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin  
Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731